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Attorneys for Plaintiff  
NICHOLAS BART ELLIS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

NICHOLAS BART ELLIS,  
Plaintiff,

v.

A. NAVARRO, et al.

Defendants.

Case No. C 07-5126 SBA (DMR)

**STIPULATION AND PROPOSED  
ORDER REGARDING DISCOVERY**

RECITALS

WHEREAS the parties met and conferred regarding outstanding discovery disputes at issue in Docket 59 during a conference on November 29, 2011 before Hon. Laurel Beeler, and with the participation of Judge Beeler.

WHEREAS Pelican Bay State Prison's Litigation Coordinator, William Barnts, and Jason S.Y. Gatchalian, Staff Counsel for the California Department of Corrections and Rehabilitation, participated in the conference.

WHEREAS the parties have resolved their disputes concerning deposition scheduling and protocol.

STIPULATION

NOW, Therefore, the parties, through undersigned counsel, hereby STIPULATE and agree as follows:

1) Fact depositions of witnesses located in and around Crescent City, California will take place on January 6, 7, 8, 9 and 10, 2012 in a secure facility at Pelican Bay State Prison.

2) Plaintiff will be present at at least the following depositions to be held on January 6, 9 and 10: Defendants Juarez, Gardner and Navarro; Officers Williams, Bustamante, Lesina, Wilber and Leach.

3) Plaintiff's and Officer J. Puente's depositions will take place on either January 7 or 8, to be determined by the parties.

4) Plaintiff's counsel will have access to prepare Plaintiff on January 5, 2012. Pelican Bay State Prison will make best efforts to ensure that this session takes place using rooms equipped with a two-way intercom that works automatically for counsel (i.e., does not require manual depression of an intercom button by counsel).

5) This Stipulation does not affect any of the filing or hearing dates set in the Stipulation and Proposed Order Modifying Order for Pretrial Preparation (Dkt. 53).

6) The parties will designate expert witnesses by December 30, 2012 and rebuttal experts, if any, by January 13.

7) The expert discovery cut-off will be January 25, 2012.

8) The parties ask the court to enter an order memorializing these dates to facilitate the orderly completion of discovery going forward.

9) The hearing regarding discovery disputes scheduled for November 30, 2011 before the Honorable Donna M. Ryu is no longer necessary and may be vacated.

1 Dated: November 29, 2011

PILLSBURY WINTHROP SHAW PITTMAN LLP  
THOMAS V. LORAN III  
MARC H. AXELBAUM

3 /s Marc H. Axelbaum

4 Marc H. Axelbaum  
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9 /s Matthew Roman

10 Matthew Roman  
11 Attorneys for Defendants  
12 SERGEANT A. NAVARRO  
13 CORRECTIONAL OFFICER F. JUAREZ  
CORRECTIONAL OFFICER B. GARDNER

14 DECLARATION PURSUANT TO GENERAL ORDER 45, sec. X.B

15 I, Marc H. Axelbaum, hereby declare pursuant to General Order 45, sec. X.B., that I  
16 have obtained the concurrence in the filing of this document from the signatory listed below.

17 I declare under penalty of perjury that the foregoing is true and correct.

18 Executed on November 29, 2011, at Oakland, California.

19  
20 /s Marc H. Axelbaum

21 Marc H. Axelbaum  
22 Attorneys for Plaintiff NICHOLAS BART ELLIS


23 ORDER

24 Pursuant to the parties' stipulation, the court adopts the above discovery procedures  
and dates, which do not modify any of the filing or hearing dates before the district court.

25 The court vacates the discovery hearing set for November 30, 2011, at 11 a.m.

26 IT IS SO ORDERED.

27 DATED: Nov. 30, 2011

28   
DONNA M. RYU  
United States Magistrate Judge